



Midpeninsula Regional
Open Space District

October 28, 2020
Board Meeting 20-25

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, October 28, 2020

The Board of Directors conducted this meeting in accordance with California Governor Newsom's Executive Order N-29-20. All Board members and staff participated via teleconference.

APPROVED MINUTES*

SPECIAL MEETING

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 5:01 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer Stefan Jaskulak, Real Property Manager Mike Williams, and Senior Real Property Agent Allen Ishibashi, Chief Ranger Matt Anderson, Area Superintendent Brad Pennington, Supervising Ranger Miguel Perez, Ranger Greg Smutnak, Lead Ranger Steve Johnson, Equipment Mechanic Operator Dan Chamberlin, Ranger Jeff Smith, Equipment Mechanic Operator Stephanie Towne, and Ranger Marianne Chance

Director Kersteen-Tucker announced this meeting is being held in accordance with Governor Newsom's Executive Order allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. Director Kersteen-Tucker described the process and protocols for the meeting.

1. Proposed Surplus Land Sale of Administrative Office property located at 330 Distel Circle, Los Altos (Santa Clara County Assessor's Parcel Number 170-04-051) to the County of Santa Clara at a cost of \$10,400,000 (R-20-117)

Senior Real Property Agent Allen Ishibashi provided the staff presentation describing the District's 1990 purchase of 330 Distel Circle and subsequent expansions into leased office space when the District outgrew 330 Distel Circle. Since that time, the District purchased 5050 El Camino Real, which will be ready for District occupancy in spring 2022. As a public agency, the District followed the guidelines under the Surplus Land Act for proposed sale of 330 Distel Circle. Santa Clara County and the City of Los Altos submitted a purchase proposal, intending to purchase the property to develop affordable housing. District negotiated the terms and conditions with Santa Clara County, and the County Board of Supervisors approved the offer on October 20, 2020. Six of the affordable housing units will be reserved for District staff members at or below a moderate-income level, which will also help support the District's target reductions in operational greenhouse gas emissions under the Board-approved Climate Action Plan.

Director Riffle inquired regarding the appraised value of 330 Distel Circle.

Mr. Ishibashi provided the range for appraisals completed on behalf of the District and County near the end of 2019. The sale price is between the two appraisals, and the District will also have six housing units reserved for District employees.

Director Riffle requested additional clarification regarding the six reserved housing units.

Mr. Ishibashi reported that if District staff are available for a newly open unit (maximum of six), then District staff would receive priority for the unit prior to it being released to the open public.

Director Hassett inquired how the proceeds from the sale will offset costs for the purchase of the 5050 El Camino Real building.

Chief Financial Officer Stefan Jaskulak stated funding for the purchase of 5050 El Camino Real and the South Area Field Office in Campbell came from the dedicated infrastructure fund, and from issuance of parity bonds. When 330 Distel Circle is sold, the proceeds can be used to pay off the parity bonds and to fund the infrastructure projects.

Members of the Board requested and received clarification regarding the terms and conditions of the sale, including the reservation of up to six units for District staff, development of the marketing plan, and the role of the City of Los Altos in the projects.

Public comment opened at 5:45 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted for the item.

Public comment closed at 5:45 p.m.

Motion: Director Riffle moved, and Director Holman seconded the motion to:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.

2. Adopt a Resolution authorizing the General Manager to enter into a purchase and sale agreement with the County of Santa Clara for the 330 Distel Circle, Los Altos property.

ROLL CALL VOTE: 7-0-0

2. Oral Presentation Regarding District Staff's Response to the CZU Fire

Assistant General Manager Brian Malone provided background information regarding the CZU August Complex Fire, for which District staff provided aid and support to protect District lands and surrounding communities.

Area Superintendent Brad Pennington described the efforts taken by District staff to prevent the CZU from crossing Old Haul Road and maintaining the fire line.

Supervising Ranger Miguel Perez described his role in leading a task force of District personnel in helping to suppress the CZU fire. Mr. Perez reported no District staff were injured, and there was no damage to District equipment. Mr. Perez outlined the importance of maintaining the Old Haul Road fire line to protect surrounding communities and District lands from the CZU fire.

Ranger Greg Smutnak, Lead Ranger Steve Johnson, Equipment Mechanic Operator Dan Chamberlin, Ranger Jeff Smith, Equipment Mechanic Operator Stephanie Towne, and Ranger Marianne Chance spoke regarding their experiences during the CZU fire. All commented on their roles on the task force and the importance of the work they did to protect surrounding communities from the effects of the CZU fire. They also spoke of the sense of pride and camaraderie among the task force members to be able to support the firefighting efforts.

The members of the Board expressed their sincere thanks and appreciation to the District staff members who spoke and others who helped support their efforts and for staff's contributions to fighting the CZU fire. The efforts to protect surrounding communities and District lands were invaluable.

Director Riffle inquired if lessons learned are being captured for future reference and use.

Chief Ranger Matt Anderson reported staff is assessing its firefighting program this fiscal year, and lessons learned from this event will be incorporated.

Director Kersteen-Tucker inquired regarding potential effects from rainstorms in the burned areas.

Mr. Pennington stated mudslides are not likely on District lands, and field staff are prepared in the event any do occur.

Mr. Malone reported vegetation in the areas have been mapped, in coordination with other agencies, which will support the District's response to any potential landslides.

Director Kishimoto requested and received additional information regarding the incident command structure and communication among agencies during the incident.

No Board action required.

President Holman adjourned the special meeting at 7:04 p.m.

REGULAR MEETING

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:15 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer Stefan Jaskulak, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, District Clerk/Assistant to the General Manager Jennifer Woodworth, Real Property Manager Mike Williams, Natural Resources Manager Kirk Lenington, Water Resources Specialist Aaron Hebert, Planning Manager Jane Mark, Planner III Aaron Peth, Water Resources Specialist David Liefert

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ORAL COMMUNICATIONS

District Clerk Jennifer Woodworth read the submitted public comments into the record.

Neil Panton supported the recommendations of the La Honda Public Access Working Group, especially the near-term recommendations to support opening the area to public access. Mr. Panton thanked the District and working group for their careful consideration on the project.

ADOPTION OF AGENDA

Motion: Director Riffle moved, and Director Cyr seconded the motion to adopt the agenda.

ROLL CALL VOTE: 7-0-0

SPECIAL ORDERS OF THE DAY

- Introduction of Staff

- David Liefert, Water Resources Specialist

CONSENT CALENDAR

Public comment opened at 7:34 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted for the Consent Calendar.

Public comment closed at 7:34 p.m.

Motion: Director Siemens moved, and Director Kishimoto seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0

- 1. Approve October 14, 2020 Minutes**
- 2. Claims Report**
- 3. Award of Contract for Legislative Consulting and Lobbying Services (R-20-125)**

General Manager's Recommendations: Authorize the General Manager to enter into a four-year contract with Energy and Environmental Consulting (EEC) for an amount not to exceed \$79,070 for legislative consulting and lobbying services. This includes a 2% contingency (\$1,550) to cover travel expenses to Board meetings and project locations should it be necessary.

- 4. Award of Contract for Engineering Services to Perform Above and Below Ground Site Investigations, Prepare Decommissioning Plans, and Assist with Securing Permits for Oil Well Decommissioning at Purisima Creek Redwoods Open Space Preserve (R-20-118)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with Bonkowski & Associates, Inc., of Emeryville, California for a not-to-exceed base amount of \$59,330.
2. Authorize a 15% contingency of \$8,900 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$68,230.

- 5. Award of Contract with Ascent Environmental to provide an Archeological Assessment and Environmental Review (CEQA) Services for the Purisima Upland Demolition and Site Cleanup Project at the Purisima Creek Redwoods Open Space Preserve (R-20-119)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with Ascent Environmental to provide services to support the Purisima Upland Demolition and Site Cleanup Project for a base amount not to exceed \$80,831.
2. Authorize a 10% contingency of \$8,083 to be awarded if necessary, to cover unforeseen conditions, for a total contract amount not-to-exceed \$88,914.

6. Consideration of an exchange of interests in real property between County of San Mateo (portion of San Mateo County APN 050-470-050) and the Midpeninsula Regional Open Space District (portion of San Mateo County APN 050-470-090) at Pulgas Ridge Open Space Preserve and acceptance of County of San Mateo mitigation funding to enhance California red-legged frog habitat (R-20-120)

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in the staff report.
2. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the agreement to exchange interests in real property at no cost between the Midpeninsula Regional Open Space District (receiving an easement for 10 public parking spaces) and County of San Mateo (receiving an 11,874 square-foot water outfall easement and 11,472 square-foot subsurface easement).
3. Amend the Use and Management Plan to include the exchanged interests in real property.
4. Withhold dedication of the Exchange Property as public open space at this time.
5. Authorize the General Manager to enter into a mitigation funding agreement with the County of San Mateo for \$380,000 to enhance California red-legged frog habitat and to select the best, most effective project to fulfill the agreement.

7. Award of a Three-Year Contract with Unitrends Inc., for Computer Server System Data Backup and Disaster Recovery Service (R-20-121)

General Manager's Recommendations: Authorize the General Manager to award a three-year service agreement with Unitrends Inc., via license service provider CDW-G procured through the Sourcwell cooperative purchasing agreement in an amount not-to-exceed \$120,000 for computer server data backup and disaster recovery service.

8. Contract Amendment with Engineering/Remediation Resources Group, Inc., for the Madonna Creek Ranch Cleanup at Miramontes Ridge Open Space Preserve (R-20-124)

General Manager's Recommendations: Authorize the General Manager to increase the contract amount of \$143,945 with Engineering/ Remediation Resources Group, Inc., by an additional \$146,664 for a new, not-to-exceed contract amount of \$290,609.

Director Hassett inquired regarding the difference to the contract amount from when the item was continued from the October 14, 2020 agenda.

Water Resources Specialist Aaron Hebert explained that the contract amount was revised due to the results received regarding lead concentration and the cost for disposal of the contaminated soil.

BOARD BUSINESS

9. Proposed purchase of an undivided 54% interest in the Peninsula Open Space Trust (POST) South Cowell Property, located at 1000 Verde Road, Half Moon Bay, in unincorporated San Mateo County (Assessor's Parcel Numbers 066-280-010, 066-280-020, 066-280-051 and 066-280-052), as an addition to Purisima Creek Redwoods Open Space Preserve (R-20-122)

Director Riffle recused himself from participating in this potential transaction between POST and the District due to his employment with POST, which is categorized as a remote interest under California Government Code section 1091. Director Riffle left the meeting at 7:35 p.m.

Real Property Manager Mike Williams provided the staff presentation describing the South Cowell Ranch property and displayed photos of the property and its geographical features, including the proposed property configuration after the land division, subject to approval by San Mateo County. Mr. Williams described expanded parking and trail access options for the conceptual extension of the Purisima-to-the-Sea Trail, and reported funds for the proposed purchase is included in Measure AA Portfolio 3 to support the “Purisima-to-the-Sea Trail, watershed protection, and conservation grazing.” Mr. Williams reported the proposed acquisition complies with the District’s Coastal Service Plan. Finally, Mr. Williams outlined the terms and conditions of the proposed purchase, including an agreement outlining District management of the Upland area, POST management of the residence area, and Marsh family ownership of the Farm area. Further purchase terms include the District entering into a future water agreement with POST and the Marsh family for distribution of Purisima Creek water rights per state adjudication and a conservation easement between POST and the Marsh family.

Director Kersteen-Tucker inquired regarding potential farm labor housing for the site.

Mr. Williams reported adjudicated water rights have been reserved for potential farm labor housing, which would be located on the farm property owned by POST and is allowed under the current zoning for the property.

Public comment opened at 8:20 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted for this item.

Public comment closed at 8:20 p.m.

Director Kersteen-Tucker commented on the importance of the acquisition and its ability to strengthen agriculture on the San Mateo County Coast.

Motion: Director Kersteen-Tucker moved, and Director Hassett seconded the motion to:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of an undivided 54% interest in the POST South Cowell Property for \$4,750,000 with a corresponding authorization for a Fiscal Year 2020-21 budget increase in the same amount.
3. Adopt a Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the property as public open space at this time.

ROLL CALL VOTE: 6-0-0 (Director Riffle recused)

Director Riffle returned to the meeting at 8:30 p.m.

10. Grant Funding from the San Francisco Public Utilities Commission for the Highway 35 Multi-use Trail Crossing and Parking Study located at and near the North Ridge Parking Area of Purisima Creek Redwoods Open Space Preserve (R-20-123)

Planner III Aaron Peth provided the staff presentation describing the background of the San Francisco Public Utilities Commission (SFPUC) South Skyline Ridge Trail Extension project, its planned terminus near the North Ridge parking area of upper Purisima Creek Redwoods Preserve, and the opportunity to partner with the SFPUC to evaluate and address trail user safety and parking needs in this area of the Preserve. The proposed project scope for this evaluation includes a feasibility analysis of a Ridge Trail crossing of Highway 35 and potential expansion of the North Ridge parking lot – with this portion of the study eligible for grant funding from the SFPUC. Additionally, multimodal access opportunities for the parking lot would also be studied, with the District funding this portion of the work.

Director Riffle inquired regarding safe access and parking for the trails and suggested additional assistance is needed from other agencies to support public access.

Planning Manager Jane Mark reported staff met with representatives from SFPUC regarding parking concerns at the North Ridge parking lot and the implications of the Ridge Trail Extension project on the Preserve parking lot. Subsequent discussions included looking for opportunities to alleviate the District's concerns at the North Ridge lot.

Mr. Peth reported an expansion of the North Ridge lot is being considered and SFPUC is planning a separate parking lot at the northern end of the trail near Highway 92.

Director Kersteen-Tucker commented on the need for safe crossings to provide safe public access to regional trails.

Director Siemens stated additional areas should be considered for parking.

Mr. Malone reported the District has expressed to the SFPUC that additional parking is needed, and the area being considered is ideal due to the flat ground there. It is also the location for overflow parking for the Kings Mountain Art Faire.

Public comment opened at 8:58 p.m.

District Clerk Jennifer Woodworth read the submitted public comments into the record.

Alex Sabo representing the Bay Area Ridge Trail Council supported the District's acceptance of the grant funding, which will help support the Skyline Ridge Trail Extension Project.

Public comment closed at 8:59 p.m.

Motion: Director Riffle moved, and Director Siemens seconded the motion to adopt a resolution authorizing the General Manager to accept \$114,000 in grant funding from the San Francisco Public Utilities Commission for the Highway 35 Multi-use Trail Crossing and Parking Study.

ROLL CALL VOTE: 7-0-0

11. Written Response to Woodside Fire Protection District and Town of Portola Valley

Assistant General Manager Brian Malone commented on regular fuel maintenance work completed by the District, which has increased in response to concerns raised by neighbors,

Woodside Fire Protection District, and the Town of Portola Valley. District staff is currently working with the Sequoias neighbors to address their concerns regarding nearby eucalyptus trees. Mr. Malone stated the District is committing to more regular conversations with these agencies, with at least one formal meeting a year to discuss priorities.

Director Siemens requested clarification regarding the application of the California Environmental Quality Act (CEQA) on fuel reduction.

Mr. Malone stated the District's fire program has been evaluated under CEQA, and substantial changes to that program would require additional CEQA evaluation.

Public comment opened at 9:16 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted for this item.

Public comment closed at 9:16 p.m.

Motion: Director Riffle moved, and Director Siemens seconded the motion to approve the written response to comments submitted by the Woodside Fire Protection District and the Town of Portola Valley.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL MEMORANDUM

- Ombudspersons Summary Report for Fiscal Year 2019-20 Activities

INFORMATIONAL REPORTS

A. Committee Reports

Director Kersteen-Tucker reported the Legislative, Funding, and Public Affairs Committee (LFPAC) met on October 20, 2020 to discuss upgrades to the District's website.

Director Kersteen-Tucker reported the Board Self-Evaluation ad hoc committee met last week and will be meeting again on Friday to discuss the potential facilitators.

B. Staff Reports

Mr. Malone provided an update regarding funding agreements with the Umunhum Conservancy and with an individual donor. These items will be considered at the next LFPAC meeting.

General Manager Ana Ruiz reported on recent tours of the Hawthorn property and the recent virtual tour for the Measure AA Bond Oversight Committee on recent and upcoming projects.

C. Director Reports

Director Cyr reported his attendance at a Santa Clara Valley Water Commission meeting where grant opportunities were discussed.

Director Hassett reported the South Skyline Association is having a virtual meeting on Friday November 13, 2020 regarding the CZU fire.

Director Riffle thanked the ombudspersons for their work for the District. Director Riffle reported he plans to meet with various city councilmembers in the new year to provide updates to them regarding District projects and suggested other Board members may be interested in doing the same.

Director Kersteen-Tucker mentioned Abundant Grace, which is a non-profit group that provides work for homeless individuals to grow and harvest over 20,000 pounds of fresh, organic produce for free distribution to low-income families, and suggested the District may want to partner with them in the future.

President Holman invited the Board members to attend an upcoming presentation by the Palo Alto Historic Association regarding the Alpine Inn on November 1, 2020.

ADJOURNMENT

President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:30 p.m.

Jennifer Woodworth, MMC
District Clerk